



***Substitute House Bill No. 5311***

***Public Act No. 16-101***

***AN ACT CONCERNING TELECOMMUNICATIONS PROVIDER  
TARIFFS FOR SERVICES OFFERED TO BUSINESS RETAIL END  
USERS AND CERTAIN TELECOMMUNICATIONS SERVICE-  
RELATED REPORTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 16-247f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The authority shall regulate the provision of telecommunications services in the state in a manner designed to foster competition and protect the public interest.

(b) Notwithstanding the provisions of section 16-19, the following telecommunications services shall be deemed competitive services: (1) A telecommunications service offered on or before July 1, 1994, by a certified telecommunications provider and a wide area telephone service, "800" service, centrex service or digital centrex service offered by a telephone company, (2) a telecommunications service offered to business customers by a telephone company, (3) a home office service offered by a telephone company, and (4) a telecommunications service provided by a telephone company to a residential customer who subscribes to two or more telephone company services, including basic local exchange service, any vertical feature or interstate toll provided

***Substitute House Bill No. 5311***

by a telephone company affiliate. Unless reclassified pursuant to this section, any other service offered by a telephone company on or before July 1, 1994, shall be deemed a noncompetitive service, provided such initial classification shall not be a factual finding that such service is noncompetitive. Notwithstanding subdivision (3) of subsection (c) of section 16-247b, prior to January 1, 2010, a telephone company shall not obtain a waiver from the authority of the pricing standard set forth in subdivision (1) of subsection (c) of section 16-247b for any service reclassified as competitive pursuant to subdivision (2), (3) or (4) of this subsection.

(c) On petition, on its own motion, or in conjunction with a tariff investigation conducted pursuant to subsection (f) of this section, after notice and hearing, and within ninety days of receipt of a petition or its motion or within the time period set forth in subsection (f) of this section, as applicable, the authority may reclassify a telecommunications service as competitive, emerging competitive or noncompetitive, in accordance with the degree of competition which exists for that service in the marketplace, provided (1) a competitive service shall not be reclassified as an emerging competitive service, and (2) the authority may extend the period (A) before the end of the ninety-day period and upon notifying all parties to the proceedings by thirty days, or (B) in accordance with the provisions of subsection (f) of this section, as applicable.

(d) In determining whether to reclassify a telecommunications service, the authority shall consider:

(1) The number, size and geographic distribution of certified telecommunications providers of the service, provided the authority shall not reclassify any service as competitive if such service is available only from a telephone company or an affiliate of a telephone company that is a certified telecommunications provider;

***Substitute House Bill No. 5311***

(2) The availability of functionally equivalent services in the relevant geographic area at competitive rates, terms and conditions, including, but not limited to, services offered by certified telecommunications providers, providers of commercial mobile radio services, as defined in 47 CFR 20.3, voice over Internet protocol providers and other services provided by means of alternative technologies;

(3) The existence of barriers to entry into, or exit from, the relevant market;

(4) Other factors that may affect competition; and

(5) Other factors that may affect the public interest.

(e) [Each] Except for those tariffs for services offered or provided to business retail end users for which a certified telecommunications provider or a telephone company elects to be exempt from filing or maintaining pursuant to subsection (h) of this section, each certified telecommunications provider and each telephone company shall file with the authority a new or amended tariff for each competitive or emerging competitive intrastate telecommunications service authorized pursuant to section 16-247c. A tariff for a competitive service shall be effective on five days' written notice to the authority. A tariff for an emerging competitive service shall be effective on twenty-one days' written notice to the authority. A tariff filing for a competitive or emerging competitive service shall include (1) rates and charges which may consist of a maximum rate and a minimum rate, (2) applicable terms and conditions, (3) a statement of how the tariff will benefit the public interest, and (4) any additional information required by the authority. A telephone company filing a tariff pursuant to this section shall include in said tariff filing the information set forth in subdivisions (1) to (4), inclusive, of this subsection, a complete explanation of how the company is complying with the provisions of

***Substitute House Bill No. 5311***

section 16-247b and, in a tariff filing which declares a new service to be competitive or emerging competitive, a statement addressing the considerations set forth in subsection (d) of this section. If the authority approves a tariff which consists of a minimum rate and a maximum rate, the certified telecommunications provider or telephone company may amend its rates upon five days' written notice to the authority and any notice to customers which the authority may require, provided the amended rates are not greater than the approved maximum rate and not less than the approved minimum rate. A promotional offering for a previously approved competitive or emerging competitive tariffed service or a service deemed competitive pursuant to this section shall be effective on three business days' written notice to the authority.

(f) On petition or its own motion, the authority may investigate a tariff or any portion of a tariff, which investigation may include a hearing. The authority may suspend a tariff or any portion of a tariff during such investigation. The investigation may include, but is not limited to, an inquiry to determine whether the tariff is predatory, deceptive, anticompetitive or violates the pricing standard set forth in subdivision (1) of subsection (c) of section 16-247b. Not later than seventy-five days after the effective date of the tariff, unless the party filing the tariff, all statutory parties to the proceeding and the authority agree to a specific extension of time, the authority shall issue its decision, including whether to approve, modify or deny the tariff. If the authority determines that a tariff filed as a new service is, in fact, a reclassification of an existing service, the authority shall review the tariff filing as a petition for reclassification in accordance with the provisions of subsection (c) of this section.

(g) The provisions of this section shall not prohibit the authority from ordering different tariff filing procedures or effective dates for an emerging competitive service, pursuant to a plan for an alternative form of regulation of a telephone company approved by the authority

***Substitute House Bill No. 5311***

in accordance with the provisions of section 16-247k.

(h) On and after July 1, 2016, any certified telecommunications provider or telephone company may, upon written notice to the authority, elect to be exempt from any requirement to file or maintain with the authority any tariff for services offered or provided to business retail end users. A certified telecommunications provider or telephone company that elects to be exempt from the requirement to file or maintain with the authority any tariff for services offered or provided to business retail end users shall make the rates, terms and conditions for such services available to business retail end users in a clear and conspicuous manner, that is apparent to the reasonable business retail end user, either (1) in a customer service guide, (2) on such certified telecommunications provider's or telephone company's Internet web site, or (3) in a contract between such business retail end user and such certified telecommunications provider or telephone company.

Sec. 2. Subsection (a) of section 16-18a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) In the performance of their duties the Public Utilities Regulatory Authority and the Office of Consumer Counsel may retain consultants to assist their staffs in proceedings before the authority by providing expertise in areas in which staff expertise does not currently exist or when necessary to supplement existing staff expertise. In any case where the authority or Office of Consumer Counsel determines that the services of a consultant are necessary or desirable, the authority shall (1) allow opportunity for the parties and participants to the proceeding for which the services of a consultant are being considered to comment regarding the necessity or desirability of such services, (2) upon the request of a party or participant to the proceeding for which the services of a consultant are being considered, hold a hearing, and

**Substitute House Bill No. 5311**

(3) limit the reasonable and proper expenses for such services to not more than two hundred thousand dollars for each agency per proceeding involving a public service company, telecommunications company, electric supplier or person seeking certification to provide telecommunications services pursuant to chapter 283, with more than fifteen thousand customers, and to not more than fifty thousand dollars for each agency per proceeding involving such a company, electric supplier or person with less than fifteen thousand customers, provided the authority or the Office of Consumer Counsel may exceed such limits for good cause. In the case of multiple proceedings conducted to implement the provisions of this section and sections 16-1, 16-19, 16-19e, 16-22, 16-247a to 16-247c, inclusive, as amended by this act, 16-247e to [16-247i] 16-247h, inclusive, 16-247k and subsection (e) of 16-331, the authority or the Office of Consumer Counsel may exceed such limits, but the total amount for all such proceedings shall not exceed the aggregate amount which would be available pursuant to this section. All reasonable and proper expenses, as defined in subdivision (3) of this section, shall be borne by the affected company, electric supplier or person and shall be paid by such company, electric supplier or person at such times and in such manner as the authority or the Office of Consumer Counsel directs. All reasonable and proper costs and expenses, as defined in subdivision (3) of this section, shall be recognized by the authority for all purposes as proper business expenses of the affected company, electric supplier or person. The providers of consultant services shall be selected by the authority or the Office of Consumer Counsel and shall submit written findings and recommendations to the authority or the Office of Consumer Counsel, as the case may be, which shall be made part of the public record.

Sec. 3. Section 16-247a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Due to the following: Affordable, high quality

***Substitute House Bill No. 5311***

telecommunications services that meet the needs of individuals and businesses in the state are necessary and vital to the welfare and development of our society; the efficient provision of modern telecommunications services by multiple providers will promote economic development in the state; expanded employment opportunities for residents of the state in the provision of telecommunications services benefit the society and economy of the state; and advanced telecommunications services enhance the delivery of services by public and not-for-profit institutions, it is, therefore, the goal of the state to (1) ensure the universal availability and accessibility of high quality, affordable telecommunications services to all residents and businesses in the state, (2) promote the development of effective competition as a means of providing customers with the widest possible choice of services, (3) utilize forms of regulation commensurate with the level of competition in the relevant telecommunications service market, (4) facilitate the efficient development and deployment of an advanced telecommunications infrastructure, including open networks with maximum interoperability and interconnectivity, (5) encourage shared use of existing facilities and cooperative development of new facilities where legally possible, and technically and economically feasible, and (6) ensure that providers of telecommunications services in the state provide high quality customer service and high quality technical service. The authority shall implement the provisions of this section, sections 16-1, 16-18a, as amended by this act, 16-19, 16-19e, 16-22, 16-247b, 16-247c, 16-247e to [16-247i] 16-247h, inclusive, and 16-247k and subsection (e) of section 16-331 in accordance with these goals.

(b) As used in sections 16-247a to 16-247c, inclusive, as amended by this act, 16-247e to [16-247i] 16-247h, inclusive, 16-247k, and sections 16-247m to 16-247r, inclusive:

(1) "Affiliate" means a person, firm or corporation which, with

***Substitute House Bill No. 5311***

another person, firm or corporation, is under the common control of the same parent firm or corporation.

(2) "Competitive service" means (A) a telecommunications service deemed competitive in accordance with the provisions of section 16-247f, as amended by this act, (B) a telecommunications service reclassified by the authority as competitive in accordance with the provisions of section 16-247f, as amended by this act, or (C) a new telecommunications service provided under a competitive service tariff accepted by the authority, in accordance with the provisions of section 16-247f, as amended by this act, provided the authority has not subsequently reclassified the service set forth in subparagraph (A), (B) or (C) of this subdivision as noncompetitive pursuant to section [16-47f] 16-247f, as amended by this act.

(3) "Emerging competitive service" means (A) a telecommunications service reclassified as emerging competitive in accordance with the provisions of section 16-247f, as amended by this act, or (B) a new telecommunications service provided under an emerging competitive service tariff accepted by the authority, in accordance with the provisions of section 16-247f, as amended by this act, or of a plan for an alternative form of regulation approved pursuant to section 16-247k, provided the authority has not subsequently reclassified the service set forth in subparagraph (A) or (B) of this subdivision as competitive or noncompetitive pursuant to section 16-247f, as amended by this act.

(4) "Noncompetitive service" means (A) a telecommunications service deemed noncompetitive in accordance with the provisions of section 16-247f, as amended by this act, (B) a telecommunications service reclassified by the authority as noncompetitive in accordance with the provisions of section 16-247f, as amended by this act, or (C) a new telecommunications service provided under a noncompetitive service tariff accepted by the authority, in accordance with the



**Substitute House Bill No. 5311**

provisions of section 16-19, and any applicable regulations, or of a plan for an alternative form of regulation approved pursuant to section 16-247k, provided the authority has not subsequently reclassified the service set forth in subparagraph (A), (B) or (C) of this subdivision as competitive or emerging competitive pursuant to section 16-247f, as amended by this act.

(5) "Private telecommunications service" means any telecommunications service which is not provided for public hire as a common carrier service and is utilized solely for the telecommunications needs of the person that controls such service and any subsidiary or affiliate thereof, except for telecommunications service which enables two entities other than such person, subsidiary or affiliate to communicate with each other.

(6) "Telecommunications service" means any transmission in one or more geographic areas (A) between or among points specified by the user, (B) of information of the user's choosing, (C) without change in the form or content of the information as sent and received, (D) by means of electromagnetic transmission, including but not limited to, fiber optics, microwave and satellite, (E) with or without benefit of any closed transmission medium, and (F) including all instrumentalities, facilities, apparatus and services, except customer premises equipment, which are used for the collection, storage, forwarding, switching and delivery of such information and are essential to the transmission.

(7) "Network elements" means "network elements", as defined in 47 USC 153(a)(29).

Sec. 4. Section 16-247j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Public Utilities Regulatory Authority shall adopt such

***Substitute House Bill No. 5311***

regulations, in accordance with the provisions of chapter 54, as necessary to carry out the provisions of section 16-247c and sections 16-247f to [16-247i] 16-247h, inclusive, as amended by this act.

Sec. 5. Section 16-247i of the general statutes is repealed. (*Effective from passage*)

Approved June 2, 2016